IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9871 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KRISHNA PRAKASHBHAI PATEL

Versus

SUPERINTENDENT

Appearance:

MR MM TIRMIZI for Petitioner

Ms.Davawala for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 28/09/2000

ORAL JUDGEMENT

Rule. Ms.Davawala, learned Additional Standing Counsel for the Central Govt. waives service of rule for respondent.

2. In this petition under Article 226 of the

Constitution, the petitioner has prayed for a writ of mandamus directing the respondent-Regional Passport Officer to issue a fresh passport to the petitioner considering her birth date as 1.6.1979.

3. Earlier in the year 1997 in hurry the petitioner approached the passport agent to obtain the passport immediately and the passport agent had committed mistake while submitting the document. In fact, the petitioner had not used the passport.

4. The petitioner had made several requests to the respondent authorities narrating the detailed facts that the petitioner had not produced any document to the responjdent but the documents had been produced by the passport agent and since the oral requests of the petitioner could not yield any result the petitioner submitted application dated 4.9.2000 requesting the respondent authorities to make the said correction in the date of birth of the petitioner and since the petitioner's request was not acceeded to, the petitioner has filed the present petition.

5. The petitioner has produced copy of the school leaving certificate as well as birth certificate (at annexure "B" to the petition) wherein the petitioner's birth date was shown as 1.6.1979.

6. Having heard the learned counsel for parties and having regard to the facts and circumstances of the case, the Regional Passport Officer, Ahmedabad is directed to consider the application dated 4.9.2000 of the petitioner for change of date of birth of the petitioner from 1.6.1981 to 1.6.1979 as expeditiously as possible and preferably within one month from the date of receipt of writ of this Court or a certified copy of this judgment, whichever is earlier.

In case the petitioner is required to apply for a fresh passport the petitioner shall comply with the requisite formalities for the same.

7. In view of the allegations made in the petition, within three months from today the Regional Passport Officer shall hold an enquiry into the allegations against the passport agent through whom the petitioner had formerly applied for the passport and if the allegations are found to be true, the necessary action shall be taken by the Regional Passport Officer.

8. The petition is accordingly allowed in the

aforesaid terms. Rule is made absolute to the aforesaid extent.

9. Since the respondent is not responsible for the mistake in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to the Regional Passport Officer, Ahmedabad within two weeks from today. Direct service is permitted.

28.9.2000 (M.S.SHAH,J)